

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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OLIVIA RUX *et al.*

Petitioners,

-against-

ABN-AMRO BANK N.V. *et al.*

Respondents.

Case No. 08 Civ. 6588 (AKH)

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DEUTSCHE BANK A.G. and DEUTSCHE BANK  
TRUST COMPANY AMERICAS

Respondents and Third-  
Party Petitioners,

-against-

AL HADHA EXCHANGE *et al.*

Third Party Respondents  
and Adverse Claimants.

**THE RECEIVERS OF  
SABENA SA'S ANSWER  
TO THIRD PARTY  
PETITION SEEKING  
RELIEF IN THE NATURE  
OF INTERPLEADER**

-----X  
Third Party Respondent the Receivers of Sabena SA, by counsel, hereby files its Answer to the Third Party Petition Seeking Relief in the Nature of Interpleader of Respondents and Third Party Petitioners Deutsche Bank A.G. and Deutsche Bank Trust Company Americas. Third Party Respondent answers the numbered paragraphs of the Third Party Petition upon information and belief as follows:

1. The allegations in paragraphs 1, 4, 5, 6, 7, 13, 14, 17 and 18 are legal conclusions to which no responsive pleading is required.

2. In response to paragraphs 2, 3 and 16, Third Party Respondent admits that Bankers Trust, the predecessor to Third Party Petitioners, blocked certain wire transfer funds that are owned by and owed to Third Party Respondent and that Third Party Petitioners have possession of such funds (or had possession of such funds until transferring them into the Registry of the Court). Third Party Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraphs 2, 3 and 16 and, on that basis, denies such allegations.

3. Third Party Respondent lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 8, 9, 10, 11 and 15 and, on that basis, denies such allegations.

4. Third Party Respondent admits the allegations in paragraphs 12(dd), (hh), (jj) and (qq). Third Party Respondent lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 12 and, on that basis, denies such allegations.

#### **General Denial**

Third Party Respondent denies any allegation of the Third Party Petition that is not specifically admitted in this Answer.

#### **Affirmative Defenses**

Third Party Respondent states the following affirmative defenses, reserving the right to modify or supplement them:

1. As set forth in Third Party Respondent's Claim to Blocked Funds and Objections to the Petition to Compel Respondents to Pay Money to Judgment Creditors from Judgment Debtor's Bank Accounts and Assets ("the Claim and Objections"), separately filed in this action

and incorporated herein, Third Party Respondent is the rightful owner of the Blocked Funds referred to in the Claim and Objections.

2. The Blocked Funds referred to in the Claim and Objections are not attachable under the Terrorism Risk Insurance Act, the Terrorism Victim's Access to Compensation Act or the New York Uniform Commercial Code, and Third Party Respondent claims the benefits of all rights and defenses that may be available to it under such statutes.

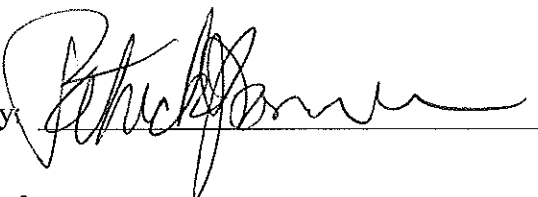
3. Third Party Respondent is entitled to intervene in this action "of right" pursuant to Fed. R. Civ. P. 24(a)(2) because it "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest," and because no other party can "adequately represent that interest." Accordingly, third Party Respondent requests that the Court permit it to intervene in this action and become a party to this action for all purposes.

4. Third Party Respondent requests leave to conduct discovery in this action.

WHEREFORE, Third Party Respondent the Receivers of Sabena SA requests that the Court (a) permit it to intervene in this action and become a party to this action for all purposes, (b) grant it leave to conduct discovery in this action, (c) grant its Claim to the Blocked Funds and order that such funds, plus all accrued interest, be paid to it, (d) sustain its Objections to the Petition to Compel Respondents to Pay Money to Judgment Creditors from Judgment Debtor's Bank Accounts, and (e) grant such other legal or equitable relief as it deems proper.

Dated: New York, New York  
November 21, 2008

FREEHILL HOGAN AND MAHAR, LLP

By 

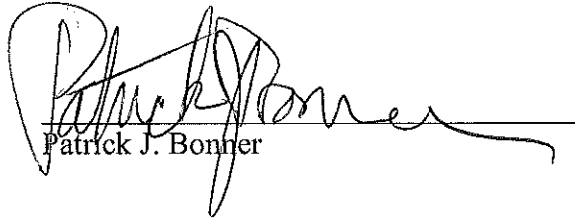
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*Attorneys for Third Party Respondent  
the Receivers of Sabena SA*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of November, 2008, I served the foregoing the Receivers of Sabena SA's Answer to the Third Party Petition Seeking Relief in the Nature of Interpleader on all parties to this action by filing it electronically in accordance with the Court's CM/ECF requirements and procedures.



Patrick J. Bonner